

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Zemel et al.

Art Unit: 1616

Application No: 10/017,568

Examiner: Abigail L. Fisher

Confirmation No: 9941

Filed: December 14, 2001

Atty. Docket No: 31894-192402

For: MATERIALS AND METHODS FOR THE
TREATMENT OR PREVENTION OF
OBESITY

Customer No:

26694

PATENT TRADEMARK OFFICE

**RE-SUBMISSION OF PREVIOUSLY-SUBMITTED
INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Applicants' records indicate that on April 1, 2002, an Information Disclosure Statement (IDS) consisting of 6 pages was submitted to the U.S. Patent and Trademark Office (USPTO) via facsimile by prior counsel. Applicants' records also contain confirmation of completion of the transmission, in the form of a Transaction Report stating that all 6 pages were successfully sent to the USPTO.

It has recently come to Applicants' attention that the April 1, 2002 IDS does not appear in the Image File Wrapper available through PAIR. Through telephonic conversations with the Examiner of Record in this case, it was confirmed that the USPTO has no record of the April 1, 2002 IDS. However, the Examiner has informed Applicants that if the IDS were re-submitted along with evidence of the April 1, 2002 submission, the IDS would be accepted and considered, without fee.

Accordingly, Applicants submit herewith a copy of the IDS submitted on April 1, 2002 in this Application, including:

- 1) An IDS letter (2 pages), which includes prior counsel's certification that the IDS was submitted by facsimile on April 1, 2002 (see p. 1 of IDS letter, top);
- 2) A Form SB/08 (3 pages);
- 3) A Fax Cover Sheet indicating a submission of 6 pages, including the Fax Cover Sheet (1 page); and
- 4) A Transaction Report confirming completion of the transmission of 6 pages on April 1, 2002 (1 page).

In view of the foregoing, Applicants respectfully request that the IDS be accepted and considered, without fee.

Applicants respectfully submit that no fees are due. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 31894-192402.

Dated: 6/3/09

#320974

Respectfully submitted,

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